ಶ್ರೀ ಎಸ್ ವೈ. ಪಾಟೀಲ್.— ನನಗೆ ಇಲ್ಲಿ ಕೆಲಸವಿಲ್ಲ, ಹುಕುಂ ಕಾಪಿ ಕೊಟ್ಟರೆ ಸಾಕು. ನಾನು ಊರಿಗೆ ಹೋಗುತ್ತೇನೆ.

ಶ್ರೀ ಎಚ್. ಎಂ. ಚನ್ನಬಸಪ್ಪ.— ನಿಮಗೆಷ್ಟು ತೀವ್ರತೆಯಿದೆಯೋ ಅಷ್ಟೇ ತೀವ್ರತೆ ಸರಕಾರಕ್ಕೂ ಇದೆ. ಜನರು ಕೆಲವು ಕಡೆ ಬಹಳ ಕಷ್ಟಪಡುತ್ತಿದ್ದಾರೆಂದು ತಿಳಿದು ಮಾನವೀಯತೆ ದೃಷ್ಟಿಯಿಂದ ಜನರಿಗೆ ಕೆಲಸ ದೊರೆಯುವಂಥ ಕೆಲಸಗಳನ್ನು ಪ್ರಾರಂಭಿಸುವಂತೆ ಅಧಿಕಾರಿಗಳಿಗೆ ಹುಕುಂ ಮಾಡಿದ್ದೇವೆ. ಸಾಯಂಕಾಲ ಬೇಕಾದರೆ ಮಾನ್ಯ ಸದಸ್ಯರಿಗೆ ಅದರ ಕಾಪಿ ಕೊಡುತ್ತೇನೆ. ಅವರು ಜೊತೆಯಲ್ಲೇ ತೆಗೆದು ಕೊಂಡು ಹೋಗಬಹುದು. ಇಂಡಿ ಮತ್ತು ಸಿಂದಗಿ ತಾಲ್ಲೂಕುಗಳಲ್ಲಿ ಎಷ್ಟು ಜನಕ್ಕೆ ಕೆಲಸ ಬೇಕೋ ಅಷ್ಟು ಜನರಿಗೂ ಕೆಲಸ ಕೊಡಲು ವ್ಯವಸ್ಥೆಮಾಡಿದೆ.

ಶ್ರೀ ಸಿ. ಬೈರೇಗೌಡ.— ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಹೇಳಿದ್ದನ್ನು ಕೇಳಿ ಬಹಳ ಸಂತೋಷವಾಯಿತು. ಬೆಂಕಿ ಬಿದ್ದಾಗ ಬಾವಿ ತೋಡುವ ಕೆಲಸ ನಡೆಯುತ್ತಿದೆ, ಇದು ಸರಿಯಲ್ಲ. ಜನತೆಗೆ ಶಾಶ್ವತವಾದ ಪರಿಹಾರ ದೊರೆಯುವಂಥ ಕಾರ್ಯಕ್ರಮ ಕೈಕೊಳ್ಳಬೇಕೆಂದು ವಿನಂತಿ ಮಾಡಿಕೊಳ್ಳುತ್ತೇನೆ.

Notice *re*:— Recruitment of Class IV Emplayees.

ಶ್ರೀ ಎಂ. ಎಸ್. ಕೃಷ್ಣನ್.— ನಾನೊಂದು ಕಾಗದ ಬರೆದಿದ್ದೆ, ಕ್ಲಾಸ್ ಫೋರ್‌ನ ನಾಲ್ಕು ಜನರನ್ನು ರಿಟ್ರೆಂಚ್ ಮಾಡುವ ವಿಚಾರಕ್ಕೆ ಅದು ಸಂಬಂಧಪಟ್ಟಿದೆ, ಮಂತ್ರಿಗಳು ಉತ್ತರ ಕೊಡಬಹುದು. ನಿಧಾನವಾದರೆ ತೊಂದರೆಯಾಗುವುದು, ನಾಳೆ ಅವರು ಮನೆಗೆ ಹೋಗುವರು. ಈಗಾಲೇ ಕ್ರಮ ತೆಗೆದು ಕೊಳ್ಳದಿದ್ದರೆ ತೊಂದರೆಯಾಗುವುದು.

ಅಧ್ಯಕ್ಷರು.—ನನಗೆ ಗೊತ್ತಿದೆ. ನೋಟೀಸನ್ನು ಸಂಬಂಧಪಟ್ಟ ಮಂತ್ರಿಗಳಿಗೆ ಕಳಿಸಿದೆ. ಅದು ವಾಪಸು ಬಂದನಂತರ ತಮಗೆ ಮಾತನಾಡಲು ಅವಕಾಶ ಕೊಡಬಹುದು. ನಾನು ಕಳಿಸಿರುವ ಪೇಪರ್ ಬರಲಿ.

Notice *re*:— Irregular Transfer of Teachers.

ಶ್ರೀ ಎಚ್. ಡಿ. ದೇವೇಗೌಡ.—ಅಧ್ಯಕ್ಷರ ಅನುಮತಿ ಪಡೆದು ಒಂದು ವಿಷಯ ಪ್ರಸ್ತಾಪಿಸಬೇಕಾಗಿದೆ. ನೀತಿ ನಿಯಮವಿಲ್ಲದೆ ಉಪಾಧ್ಯಾಯರುಗಳನ್ನು ವರ್ಗ ಮಾಡುವ ಬಗ್ಗೆ ಚರ್ಚೆಮಾಡಲು ರೂಲ್ ೫೯ರ ಪ್ರಕಾರ ಒಂದು ನಿಲುವಳಿ ಸೂಚನೆಯನ್ನು ನಾನು ಕಳಿಸಿದ್ದೆ. ಅದರ ಬಗ್ಗೆ ಚರ್ಚೆಗೆ ಅವಕಾಶ ಕೊಡಬೇಕು. ಸಭೆ ಇನ್ನು ನಾಲ್ಕು ದಿವಸ ನಡೆಯಬಹುದು. ಆ ಅವಧಿಯೊಳಗೆ ಚರ್ಚೆಯಾಗಬೇಕು. ಇದಕ್ಕೆ ಅವಕಾಶ ಕೊಡಬೇಕೆಂದು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

ಅಧ್ಯಕ್ಷರು.—ತಾವು ಕೊಟ್ಟಿರುವುದನ್ನು ಸರಕಾರಕ್ಕೆ ಕಳಿಸಿದ್ದೇನೆ, ಅದು ಬಂದನಂತರ ವಿಚಾರ ತಿಳಿಸಬಹುದು.

THE MYSORE LEGISLATURE SALARIES BILL 1972

INTRODUCTION

SRI D. K. NAIKAR (Minister for Law and Parliamentary Affairs).- Madam Speaker, I beg to introduce the Mysore Legislature Salaries Bill 1972.

MADAM SPEAKER.—The Bill is introduced*

* the Bill is appended as an Annexaure.

SRI M. S. KRISHNAN.—Madam Speaker, according to the Rules of Procedure leave to introduce is regulated by rule 64 which says: —

"64: The Speaker may, on request being made to him, order the publication of any Bill (together with the statement of objects and reasons) the memorandum regarding delegation of legislative power and the financial memorandum accompanying it) in the Gazette, although the motion has been made for leave to introduce the Bill. In that case it shall not be necessary to move for leave to introduce the Bill and if the Bill is afterwards introduced, it shall not be necessary to publish it again."

MADAM SPEAKER.—It has been published already.

SRI M. S. KRISHNAN.—The question of leave to introduce does not arise. That is why I wanted to speak even before the introduction of the Bill. Now the Bill is introduced.

But I would like to draw your attention to rule 67.

"67: If the Bill is a Bill which under the Constitution cannot be introduced without the previous sanction or recommendation of the Governor, the member shall annex to the notice such sanction or recommendation conveyed through a Minister, and the notice shall not be valid until this requirement is complied with."

Under article 207 of the Constitution, it is obligatory thing, namely, the Governor's sanction must be obtained if it comes under the purview of the Constitution. I would like to draw your attention to article 207.

"*Special provisions as to financial Bills.*--(1) A Bill or amendment making provision for any of the matters specified in sub clauses (a) to (f) of clause (1) of article 199 shall not be introduced or moved except on the recommendation of the Governor, and a Bill making such provision shall not be introduced in a Legislative Council.

Provided that no recommendation shall be required under this clause for the moving of an amendment making provision for the reduction or abolition of any tax."

The proviso does not come into the picture because it is not a question of reduction or abolition of any tax. The is not also a question of introduction in the Legislative Council because it is being introduced here. Even if it is introduced, recommendation of the Governor is necessary if it comes under (a) to (f) of clause (1) of article 199.

If you read article 199, you will see that it refers to Money Bills. My submission is that it is not a money Bill.

MADAM SPEAKER.—This is nat a money Bill.

SRI M. S. KRISHNAN.—But article 199 specifically says:—

"199 For the purpose of this Chapter, a Bill shall be deemed to le a Money Bill if it contains only provisions dealihg with all or any of the following matters, namely.

* * * * *

It also says.—

"(3) If any question arises whether a Bill introduced in the Legislature of a State which has a legislative Council, is a Money Bill or not, the decision of the Speaker of the Legislative Assemby of such State shall be final.

The decision of the Speaker is final and I am not questioning the authority of the Chair. I know you have the right to decide whether it is a money bill or not. But before you decide, I would request you to consider this.

Article 199 says that a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the following matters namely.

(*a*) the imposition, abolition, remission, alteration or regulation of any tax;

(*b*) the regulation of the borrowing of money or giving of any guarantee by the State, or the amendment of the law with respect to any financial obligations undertaken by the State;

(*c*) custody of the Consolidated Fund or the Contingency Fund of the State, the payment of moneys into or the withdrawal of moneys from any such Fund;

(*d*) the appropriation of moneys out of the Consolidated Fund of the State;

(*e*) the declaring of any expenditure to be expenditure charged on the Consolidated Fund of the State, or the increasing of the amount of any such expenditure;

(*f*) the receipt of money on account of the Consolidated Fund of the State or the public account of the State or the custody or issue of such money; or" .....

So, if any expenditure is from the consolidated fund of the State, it attracts the provisions of item (*e*) and (*f*).

3-00 P. M.

It has attracted Articles 199 and 202 of the Constitution. Art. 202 (3) (b) refers to:

> " the salaries and allowances of the Speaker and the Deputy Speaker of the Legislative Assembly and, in the case of a State having a Legislative Council also of the Chairman and the Deputy Chairman of the Legislative Council "

Here, the Bill concerns with the allowances of the Deputy Speaker and also the Deputy Chairman. Under these circumstances, Clauses (2) and (3) of Art 202 are attracted. This is an expenditure on the consolidated Fund of the State and the financial procedure laid down therein should be observed. If it is an expenditure on the Consolidated Fund of the State, it attracts sub-clauses (e) and (f) of Art. 199 (1) also. It means that it is a " Money Bill " Naturally, there has got to be a recommendation from the Governor. But no recommendation of the Governor is attached to the Bill. That is why, this Bill is not in accordance with the Constitution I am not questioning whether the allowances proposed to the Deputy Chairman and Deputy Speaker, the Leader of the opposition and the Government whip is necessary or justifiable. That is a different matter. At this stage I am not concerned with it. At this stage, I am concerned with only the legal and constitutional aspect of the Bill Since it is a money Bill and since the prescribed procedure for laying such a Bill is not followed, I say it is violative of the Constitution.

Another point is : Art. 195 of the Constitution says:

"Members of the Legislative Assembly and the Legislative council of a State shall be entitled to receive such salaries and allowances as may from time to time be determined by the Legislature of the State by law and, until provision in that respect is so made, salaries and allowance at such rates and upon such conditions as were immediately before the commencement of this Constitution applicable in the case of members of the Legislative Assembly of the corresponding Province" If this Article speaks of the salaries and allowances of the member of the Legislature, what has happened now is a new category is created in respect of the whips, namely, the Government whips. There is nothing like Government whips as far as the Constitution is concerned and as far as the Rules of Procedure is concerned. You have to act according to the Constitution. The Constitution provides only for Members of the Assembly and Council. Members of the Legislature are whips. There is nothing like Government whips. Apart from discrimiua tion in increasing or decreasing the allowances of some members, the Bill is violative of the Constitution. That is why, I stated that the introduction of this Bill itself is not correct. Probably, I have not brought all the aspects in this connection. Previously there was a

(SRI M. S. KRISHNAN)

discussion in this House on the propriety of a Bill but that was on a different footing: the footing was absolutely different. In the previous Assembly, as I know the matter had been sent from the Legislative Council: from there they brought it here and naturally there was discussion on that. The discussion was regarding the suspension of Rule. Here I am nor asking for suspension of rule. Sriyuths Puttaswamy and Nagappa spoke then But this is a different aspect The ethics of providing additional allowances to the Deputy Speaker and Deputy Chairman, and allowance to the Government whips has got to be questioned as a member of the party to which I belong. Apart from ethics, there is no such thing as increasing or decreasing the allowances of some members at all. I have not seen in other Assemblies such a thing. May be I am not aware of it May be it is a new convention.

SRI D. DEVARAJ URS.-The hon. Member should confine his romarks to the introduction of the Bill.

SRI M. S. KRISHNAN.—About other aspects, I will have a chance to speak at great length.

On the Constitutional points I have raised, I would roquest you to give a considered ruling after discussion with the concerned Law Department. Till that time, let this not be considered as having been introduced. I rose to a point of order even earlier to the introduction.

ಅಧ್ಯಕ್ಷರು— ತಾವೇ ಹೇಳಿದ ಹಾಗೆ ನನ್ನ ಪ್ರಿಡಿಸಿಸರ ಒಂದು ರೂಲಿಂಗ್ ಕೊಟ್ಟಿದ್ದಾರೆ. ಇದು ಮನಿಬಿಲ್ ಅಲ್ಲ, This is just an expenditure Bill It is concerned with pay ment of allowances to the Deputy Chairman and the Deputy Speaker, the Government whips and the Leader of the Opposition in the Assembly and Council. This is not a 'Money Bill' I cannot agree with the hon member. It is introduced,

SRI. M. S. KRISHNAN—Please give a considered ruling on the besis of what I have stated. I have raised many Constitutional questions. I cannot question your ruling But I would request yon to give a more considered ruling because I know it involves certain matters of constitutional importance and it is particularly concerned with the Deputy Chairman, Deputy Speaker and the whip attracting Art. 195 I do not know what your opinion is.

MADAM SPEAKER.—There is a ruling already on it.